

and thus quickly and directly relieve pain and its congestive cause; that it would relieve rheumatic pains due to exposure, dampness, and cold; that it would be helpful in the treatment of bruises, would help relieve suffering from varicose veins, would bring quick relief of athlete's foot, and toe itch, would relieve chest and throat colds, and tightness and congestion in throat and chest muscles, were false and misleading since it was a counter-irritant liniment and did not possess the properties claimed for it.

Kotalko was alleged to be misbranded: (1) In that representations in the labeling that it would discourage excessive loss of, and strengthen existing growth of, hair and aid in promoting new growth; and that it would be efficacious in the treatment of dandruff, thin, brittle or falling hair, and baldness, were false and misleading since it would not be efficacious for such purposes. (2) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each of the active ingredients. (3) In that its container was so filled as to be misleading since the retail carton was materially larger than necessary to hold the contents.

On April 20 and July 29, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**741. Misbranding of Optic Drop. U. S. v. 20 Bottles of Optic Drop. Default decree of condemnation and destruction. (F. D. C. No. 3828. Sample No. 6978-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The volume of the carton was more than 5 times the volume of the bottle and certain mandatory labeling requirements of the law were not complied with.

On February 19, 1941, the United States attorney for the District of New Mexico filed a libel against 20 bottles of Optic Drop at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by the Romero Drug Co. from El Paso, Tex.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of a water solution of zinc sulfate, chlorobutanol, a berberine salt, boric acid, and/or a borate.

It was alleged to be misbranded: (1) In that the statement "For Irritated Eyes" and the Spanish translation of the same statement "Para Ojos Irritados," appearing in the labeling, were false and misleading, since it was not an adequate or appropriate treatment for all irritations of the eyes. (2) In that the following statements (in Spanish) in the labeling were false and misleading, since it would not fulfill the promise of benefit stated and implied thereby: (Translation from Spanish) "It is well known that the eyes are constantly exposed to the bright and burning light of the sun, the electric lamp and reflections of the earth; nor do they fail to collect sand, dust and other small particles which imperceptibly float through the air and which greatly affect the vision, causing a certain sensation of itching and even reddening of the eyes. This occurs chiefly in those who work in shops, trains, factories or any other places of movement and commotion. Now then, in order to constantly protect the sight at such times, one should always have on hand a bottle of Gota Optica, an admirable, scientifically prepared lotion for the eyes which not only soothes, refreshes and cleanses the eyes and eyelids but alleviates the irritation, removing the foreign substances which may have lodged in them. This is why the Gota Optica has been and is now highly recommended by all the most celebrated opticians." (3) In that the label failed to bear the common or usual name of each active ingredient, since of the ingredients only chlorobutanol was mentioned on the label and carton; (4) In that the carton failed to bear a declaration of the quantity of contents of the package. (5) In that its container was so made, formed, and filled as to be misleading.

On April 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**742. Misbranding of Utona. U. S. v. 102 Packages of Utona. Default decree of condemnation and destruction. (F. D. C. No. 7006. Sample No. 23117-E.)**

On March 11, 1942, the United States attorney for the Northern District of California filed a libel against 102 packages of Utona at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 18 and December 2, 1941, and January 12, 1942, by the National Utona Co. from Detroit, Mich., and charging that it was misbranded.